



April 6, 2000

Law Offices of
Rene Ramirez
524 S. Cage, Suite B
Pharr, Texas 78577

OR2000-1328

Dear Mr. Ramirez:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 135235.

The Pharr-San Juan-Alamo Independent School District (the "district"), which you represent, received two requests for information relating to indoor air quality at Memorial High School. The responsive information consists of two reports. The first report is an indoor air survey conducted by the Texas Department of Health. You state that this information has been produced by the district. The second report is an air quality report made by Dr. Mani Skaria of Allergy & Indoor Air Quality Lab, Inc. (the "report"). You have submitted this report for our review. You state that the report was prepared at your direction in contemplation of litigation. You contend the report constitutes attorney work product and, as such, is excepted from disclosure pursuant to section 552.107.¹ We have considered your argument and reviewed the submitted information.

Section 552.022(a) of the Government Code, in pertinent part, provides as follows:

Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law:

¹Please note that attorney work product is excepted under Government Code section 552.103 if the litigation is ongoing, or 552.111 if the litigation has concluded. Section 552.107 excepts information within the attorney client privilege.

(1) a completed report, audit, evaluation, or investigation made of, for or by a governmental body, except as provided by Section 552.108.

The report clearly constitutes a “completed report, audit, evaluation, or investigation made . . . for . . . a governmental body.” Because section 552.022(a)(1) specifically makes this type of information public, and not subject to the discretionary exceptions to required public disclosure (other than section 552.108), we conclude that the district must release the requested report to the requestor in its entirety.

This letter ruling is limited to the particular records at issue in this request and to the facts as presented to us. Therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

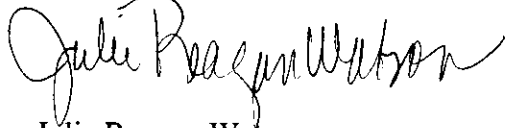
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body’s intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general’s Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments

about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Reagan Watson". The signature is fluid and cursive, with the first name "Julie" being the most prominent.

Julie Reagan Watson
Assistant Attorney General
Open Records Division

JRW/cwt

Ref: ID# 135235

Encl. Submitted documents

cc: Mr. Homero Basaldua
Texas Federation of Teachers/AFT/afl-cio
TFT State Representative
1701 North Eighth Street
McAllen, Texas 78501
(w/o enclosures)